

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

TERRI PECHNER-JAMES and SONIA)	
FERNANDEZ,)	
Plaintiffs,)	
)	
v.)	C.A. No. 03-12499-MLW
)	
CITY OF REVERE, THOMAS AMBROSINO,)	
MAYOR, CITY OF REVERE POLICE)	
DEPARTMENT, TERRENCE REARDON,)	
CHIEF OF POLICE, BERNARD FOSTER,)	
SALVATORE SANTORO, ROY COLANNINO,)	
FREDERICK ROLAND, THOMAS DOHERTY,)	
JOHN NELSON, JAMES RUSSO, MICHAEL)	
MURPHY and STEVEN FORD,)	
Defendants,)	

**SUPPLEMENTAL AFFIDAVIT OF WALTER H. PORR, JR.,
IN SUPPORT OF DEFENDANTS' MOTION FOR SANCTIONS**

I, Walter H. Porr, Jr., do hereby depose and state:

1. I am an Assistant City Solicitor for the City of Revere and have been so employed since December 13, 2004. I am an attorney of record for Defendants, City of Revere and the City of Revere Police Department, in this action.

2. Plaintiff Sonia Fernandez and her Counsel failed to appear for her deposition scheduled for May 18, 2006, from 10:00 a.m. to 5:00 p.m. at the Offices of Reardon, Joyce and Akerson, Worcester, Massachusetts. Having left my office in Revere at approximately 8:15 a.m., I was on the Massachusetts Turnpike just approaching 495 when we, Solicitor Paul Capizzi and myself, received a call from our office that the deposition had been cancelled. I then called the firm of Reardon, Joyce and Akerson and spoke with Attorney John Vigliotti who informed me that Attorney James Dilday had just called and that apparently, Plaintiff Fernandez had not been able to sleep the night before and would not be appearing for her deposition. At the

495/Massachusetts Turnpike Exchange, we turned around and returned to Revere, arriving at about 10:15 a.m. I thereupon immediately began preparing the City of Revere's Supplemental Memorandum of Law and this Affidavit, which have taken approximately one hour.

3. On May 17, 2006, I spent the bulk of the day preparing for Plaintiff Fernandez's deposition for May 18, 2006. I anticipated continuing my examination of her which began on May 12 and was continued on May 16. Plaintiff Fernandez next deposition session is scheduled for May 26, 2006, eight (8) days from now. I anticipate that I will now need an additional two (2) hours to refresh myself as to my deposition outline/questions and the exhibits concerning which I would have been examining Plaintiff Fernandez had the deposition gone forward today.

4. Attached hereto as Exhibit "A" is the expense report for the costs associated with our aborted travel to Worcester.

5. Based upon the foregoing, the City of Revere is seeking additional sanctions in the amount of \$1,280.60 based upon the expenditure of five (5) hours time at an hourly rate of \$250.00 per hour (\$1,250.00), plus \$30.60 for turnpike tolls and mileage to travel to and from Revere.

Signed under the pains and penalties of perjury this 18th day of May, 2006.

Respectfully submitted,

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.

CERTIFICATE OF SERVICE

I, Walter H. Porr, Jr., Assistant City Solicitor and counsel of record for the Defendants, City of Revere and the City of Revere Police Department, hereby certify that I have electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system. I caused to be served upon counsel of record, at the address stated below, via the method indicated, a true copy of same:

James S. Dilday, Esq.
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Attorneys for the Plaintiffs
Via CM/ECF e-mail

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Bernard Foster, Salvatore Santoro,
Roy Colannino, Frederick Roland,
Thomas Doherty, John Nelson,
James Russo, Michael Murphy,
and Steven Ford
Via CM/ECF e-mail

/s/ Walter H. Porr, Jr.
Walter H. Porr, Jr.,

Dated: May 18, 2006